

COMMISSIONERS APPROVAL

GRANDSTAFF *CG*

ROKOSCH *GR*

THOMPSON *AT*

CHILCOTT *GC*

DRISCOLL *KO*

PLETTENBERG (Clerk & Recorder)

Date.....December 18, 2008

Members Present.....Commissioner Carlotta Grandstaff, Commissioner Jim Rokosch, Commissioner Alan Thompson, Commissioner Greg Chilcott and Commissioner Kathleen Driscoll

► Minutes: Beth Perkins

► Commissioner Driscoll attended a TPCC/TTAC meeting at Holiday Inn Parkside in Missoula.

► The Board met for a public hearing for Wisdom Commercial Lots 1 & 2, Lot 1 AP minor subdivision and two-unit subdivision for lease or rent. Present were Planner Tristan Riddell, Representatives Chris Cobb-Taggart and John Kellogg.

Commissioner Grandstaff opened the hearing and requested any conflicts of interest. Hearing none, she then requested the Planning Staff Report be read.

Tristan presented the Staff Report as attached. (See Attached)

Commissioner Grandstaff then opened public comment.

John Kellogg stated they are in concurrence with the Staff report. He gave a brief overview of the access points previously approved by MDOT. Commissioner Grandstaff requested any questions from the Board and if they deem the criteria sufficient. All Board members agreed to sufficiency. Commissioner Rokosch questioned the storm water drainage plan and requested the plan incorporate vegetative swales to filter the runoff from the asphalt to reduce pollutants into Kootenai Creel and the Bitterroot River. Andrew Jakes of PCI assured the Commissioners such measures, similar to those developed for the Super One Addition proposal, would be developed for this project.

**Commissioner Chilcott made a motion to approve the Wisdom Commercial Lots 1 and 2, Lot 1 AP Subsequent Minor Subdivision and subdivision for Lease or rent based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report with the proposed mitigation from the developer presented here today. Commissioner Thompson seconded the motion and all voted 'aye'.**

► The Board met to open and award bids for legal notices. Commissioner Driscoll opened a bid from the Bitterroot Star in the amount of \$8 first insertion and \$7 each subsequent insertion. Commissioner Grandstaff opened a bid from the Ravalli Republic in the amount of \$9 for the first insertion and \$7 each subsequent insertion plus free advertising on the website.

Commissioner Rokosch questioned the difference in distribution and the circulation. Victoria Howell stated the Bitterroot Star will be willing to include publication on their website as well. She stated the circulation should not be an issue. Administrative Assistant Glenda gave the history of past legal notice publications with Bitterroot Star. She stated the problem was some State officials were using the Ravalli Republic for daily publications. It did not make sense to use both therefore it was decided to use the Ravalli Republic for a cost savings. She asked Bitterroot Star for deadlines. Victoria replied by Monday for Wednesday publication. Glenda stated in some cases that would not work with last minute notices. She also stated MCA requires different specifics with Planning's legal notices. She further discussed the need to file affidavits of publications with Clerk & Recorder. Kristen Bounds stated the Ravalli Republic has not raised the rates since 1993. She explained the Ravalli Republic receives calls for the public notices if they are not published. It is a Monday through Friday paper and paid circulation. Victoria Howell stated the legislature changed the law for free papers to allow public legal notices. She stated they are cheaper and compare favorably by being free to everyone. Glenda suggested asking the other departments who run legal notices if they are going to run them in the Ravalli Republic, including the State and their MCA requirements. After Board discussion, it was decided to issue a memo to the County Departments who issue legal notices.

Commissioner Rokosch made a motion to continue this meeting until Tuesday December 23<sup>rd</sup> at 9 a.m. Commissioner Driscoll seconded the motion and all voted 'aye'.

► The Board met for discussion and decision on Planning priorities and a Planning Department update. Present were Interim Planning Director John Lavey, Planners Vanessa Morrell, Tristan Riddell, Jon Wickersham and Floodplain Administrator Laura Hendrix.

John gave an update on the dissolution of the Board of Adjustments and Streamside Setback Committee. He stated they are waiting on one set of minutes to be approved by the Streamside Setback Committee and then they can be dissolved. The Board of Adjustments is ready to be dissolved. He then reviewed Impact Fees to be established and the fiscal situation with the Planning Department. Vanessa stated there are some funds

left from zoning from Brainerd Foundation. Those funds will be used for modernizing subdivision regulations upon approval from Brainerd.

Vanessa stated the Open Lands Board has an application for a project that will be reviewed at tonight's meeting. She stated she and Jon Wickersham are working on a "Code of the West" document for a new neighbor's guideline. She stated it would be a general guide including licensing, regulations, ranching operations, living with wildlife, permits required and getting them inserted into welcome packets. She stated the goal is to get the information for new residents buying new lots. She stated the farmland soils map is complete. Vanessa stated with the Farmland Valuation Working Group there is a low level of interest.

Tristan presented the Board with some graphs indicating how many subdivision applications were received from last year to date clearly showing the rate of decline. He stated the rate of subdivision exemptions is mainly consistent with past years. He stated with the current workload is heavy with 4 final plats, 36 applications (conditional approval), 2 variance proposals, 5 projects in the review stage, 18 projects in sufficiency review, 2 projects in element review, 11 pre-applications and Aspen Springs. He stated a new application has not been received for Aspen Springs and Civil Counsel stated there was an extension granted without a deadline.

Laura stated they are on course for the map modernization. She stated FEMA has picked two major streams for detailed mapping. She stated those streams are Three Mile and Eight Mile streams. They were identified as the highest populated streams. She stated the estimated release date for the deferrals is September of 2009. She stated the timelines have not been met for Missoula and she does not expect them to be met for Ravalli County. Laura stated she has been working with Environmental Health for Staff training. She stated this year, she had 18 floodplain permits plus carry-overs from 2007. The numbers have been consistent with previous years. Laura discussed the numbers of LOMA (letters of map amendments) issued was five. She stated the number of subdivision waivers and analyses she reviewed were eight. She noted the waiver requests have become more detailed and are taking more time. John stated they have developed a checklist process to help alleviate some of the time constraints. Laura stated they have completed phase one for LiDAR mapping. Phase two is from Victor Crossing to south of Skalkaho. She stated for grant funding, they were ranked 32<sup>nd</sup> of 100 for legislative funding. She stated they usually fund 1 through 52. She stated the approval comes in May 2009 and would like the mapping to take place in the fall.

John gave a brief update on litigation. He stated two lawsuits are now moot with zoning being abandoned. He stated they are working with the County Attorney's Office on two floodplain suits.

Commissioner Grandstaff questioned the Airport Affected Area. John replied the Planning Board and Airport Board have been receptive with what he has brought forward to date. Commissioner Rokosch stated the Planning Board is the body designated by statute to develop a recommendation to the Board. John stated the Airport Board would

want to be more involved and suggested having a meeting with the Planning Board and the Airport Board to move forward.

John stated in the last November 13<sup>th</sup> meeting, it was determined to work closer with the Planning Board for priorities. He stated the list consisted of providing more support to the Park Board, Countywide strategic plan, infrastructure plan with improvements and funds, affordable housing program, and discussion on a detailed study of existing lawsuits for trends. He read the recommendations from the Planning Board for priorities. John suggested litigation support should be the highest priority. Commissioner Grandstaff stated by default it should be a priority. She stated other issues outside the norm should be prioritized. She further discussed the need to be more efficient, modernizing the subdivision regulations and having an enforcement officer. Commissioner Driscoll discussed infrastructure and the need to redirect efforts to create jobs and the need for affordable housing. She further discussed the ability to grab federal funding. John replied the Road and Bridge Department has identified roads needing improvements. He stated a good strategic plan could help grease the wheels for these projects. Commissioner Rokosch discussed the timeframe for additional projects versus the current projects to get federal funding. He stated there is a reasonable chance with working with existing projects such as upgrades for water treatment and supply improvements for Stevensville and the Grantsdale area.

Commissioner Rokosch suggested voluntary zoning district support as well as litigation support being a priority. He would also like to see the modernization of subdivision regulations with a better basis for mitigation and what constitutes mitigation as being sufficient. John replied he does not know if mitigation should be included in the subdivision regulations when the State allows the Board to mitigate for sufficiency. He added there may be a need to have a fiscal analysis model for a basis. Commissioner Rokosch stated sometimes the Board can mitigate with money other times not. John stated to him it seems a burden of proof. He stated right now the burden of proof is up to the Board not the developer. He suggested working with County Attorney's Office to determine under statute if that can be done to put the burden upon developer.

Commissioner Grandstaff opened public comment, hearing none then closed public comment.

Commissioner Grandstaff asked Environmental Health Director Lea Jordan about coordinating with Planning Department and education. Lea replied there has been a foundation established for DEQ review and working cooperatively on similar issues. Lea discussed the enforcement officer and a mechanism or process of moving a complaint to investigate and enforcement. She stated a complaint comes in and things are done to try to rectify the complaint only to have it come back. It is a circle with no end or resolution. Commissioner Grandstaff expressed her concern with having an enforcement officer with investigation background and the need to deal with possibly hostile people. John asked the Board if they are intending to make an enforcement officer a priority to have Planning investigate the need and what other counties are doing. The Board concurred to let John

spearhead the compiling of data for the enforcement officer position. Discussion followed regarding what is a 100 year floodplain and how it affects flood insurance.

Commissioner Grandstaff recapped the priorities such as modernization of the subdivision regulations and creating a process for dealing with complaints. She also added assistance with voluntary zoning districts. Commissioner Rokosch stated the inter-departmental information would fall into office administration and customer service. He discussed adopting a formal policy for office administration and customer service and cross referencing applications with other involved departments for efficiency. John replied it is a conversation already underway. Vanessa stated for clarification, with the rural natural resource program, the Open Lands Board project review is part of the program.

The Board suggested in priority: Updating the Subdivision regulations, developing an enforcement program, support for voluntary zoning districts, develop rural and natural resource program, and developing inter-local agreements, the remaining items to be worked on when the Planning Department can. **Commissioner Rokosch made a motion to set Planning priorities in the order of Litigation Support, Project Review, Office Administration/Customer Service, Update and Modernize the Subdivision Regulations, Develop an effective Enforcement Program, Engage in support for voluntary zoning districts, Develop Rural and Natural Resources Program, Develop Inter-local Agreements and the remaining items as time and resources allow.** Commissioner Driscoll seconded the motion and all voted 'aye'.

► The Board met for discussion and decision on the Planning Director position. Commissioner Rokosch discussed the salary for the position to be offered at \$55,000 per year. The Board concurred. **Commissioner Rokosch made a motion to offer the Planning Director position to Larry Frey at the salary rate of \$55,000 per year.** Commissioner Driscoll seconded the motion and all voted 'aye'.





## REQUEST FOR COMMISSION ACTION

OG-08-12-970

BCC Meeting: December 18, 2008 @ 3:00 p.m.  
Request: To establish the Planning Department's work priorities

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### I. Action Requested

The Planning Department is seeking the Board of County Commissioners guidance for establishing work and project priorities.

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### II. Background

For roughly the last two years, the Planning Department was working to achieve a complement of new land use planning projects that were established through a series of strategic planning sessions with Staff, the Planning Board, and the Board of County Commissioners. In November 2008, the Ravalli County Growth Policy was repealed, and the authority to enact many of the proposed new land use tools as prioritized in 2006 was revoked.

On November 13, 2008, Planning Staff inventoried and prioritized a list of potential planning projects and presented the list to the Board of Commissioners, Planning Board, and the public for initial discussion. Several quality ideas were generated at this meeting that were not originally accounted for in Staff's original memo. To wit:

- Parks Board support. Planning Staff used to attend most Parks Board meetings, and it was anticipated that Planning Staff would provide support to the Board, but staff was cut two positions and does not provide much support to the Board now.
- Countywide strategic plan. Currently, the county has no guiding vision, goals, or objectives for running all its departments toward a common mission. A strategic plan for the County could provide the inter-departmental coordination needed to run the County in a more business-like and efficient manner.
- Infrastructure plan. Prioritize infrastructure improvements by performing growth projections for the County.
- Affordable housing. Identify existing policies and regulations that 1) hinder the supply of affordable housing within the County and 2) could be implemented to increase the supply of affordable housing within the county.
- Research other legal methods for implementing growth management controls. I hesitate to recommend this approach, and would caution the Board to think critically about recommending this approach in the absence of a growth policy.
- Detailed study of the County's existing lawsuits – are there common threads?

Staff enhanced the original projects list with ideas generated at this meeting, and presented it to the Planning Board.

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### III. Planning Board Recommendation

The Planning Board held a public meeting on November 19, 2008 to discuss Planning Staff's memo and comments presented at the November 13, 2008 BCC meeting. The Planning Board deliberated and voted that the Planning Department's priorities should be as follows:

1. Project Review 2
2. Office Administration/Customer Service 3
3. Litigation Support 1
4. Update and Modernize Subdivision Regulations 4
5. Develop an Effective Enforcement Program 5
6. Develop Rural and Natural Resources Program 7
7. Develop Interlocal Agreement(s) 8
8. Engage in General Planning Education and Outreach 6
9. Assist in Implementation of Impact Fees
10. Floodplain Regulation Revisions

> as time + resources allow -

The Board voted 7 – 1 to approve this motion.

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### IV. Planning Staff Recommendation

Among the possibilities not encapsulated by Staff's original recommendation or by the Planning Board's recommendation, Staff would encourage the Commissioners to pursue a strategic plan for the County and its departments. A strategic planning process would define the County's common direction, and guide decision making for the allocation of its resources to pursue this strategy, including its capital and people.

While a multitude of options have been presented as possible planning projects, the Planning Department will only be able to realistically tackle a few at a time. However, generating a list such as the Planning Board has recommended will ensure that staff time can be used in an efficient and dutiful manner. Planning Staff recommends that the Commissioners consider all available options and adopt the project list as the Planning Board has recommended.

**PLANNING DEPARTMENT UPDATE  
DECEMBER 18, 2008  
AGENDA**

1. Department Administration
  - a. BOA and SSC resolutions to dissolve
  - b. Impact Fees
  - c. Update on Fiscal situation
2. Long-Range Planning
  - a. Countywide zoning
    - i. Use of \$15,000 Brainerd funds
    - ii. Final CPEP report to Brainerd to close grant submitted
    - iii. Zoning file organization complete
  - b. Airport Affected Area
3. Open Lands Bond/RNR
  - a. Update on OLBP
  - b. Code of the West
  - c. Farmland map
  - d. Farmland Valuation Working Group
4. Development review
  - a. Subdivision
5. Floodplain Administration
  - a. Status of map modernization
  - b. Update on EHD/PD staff training
  - c. Update on LiDAR data
  - d. Number of FP permits reviewed for 2008 calendar year = 18
  - e. Number of LOMA/Rs issued for 2008 calendar year = 5
  - f. Number of subdivision waivers/analyses for 2008 = 8
6. Litigation
7. Discussion and Decision on Planning Department Priorities